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Prepared by:

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**GOVERNMENT
EXHIBIT**

5

17-CR-64 (DWF/KMM)

1 minutes?

2 A I don't know where they are. I did not
3 maintain them. I was not the secretary.

4 Q So where are Apollo Diamond's corporate
5 records?

6 A I don't know.

7 Q When did the company cease to exist, Apollo
8 Diamond?

9 A Well, cease to exist in practical terms when we
10 concluded the sale of the assets to Scio.

11 Q When was that?

12 A I don't know the exact date. I don't remember
13 it. It was in --

14 Q August of 2012? Does that seem right?

15 A Why do I think it's 2011?

16 Q Maybe we're talking about two separate
17 transactions.

18 A I don't remember -- I don't remember the
19 closing date exactly.

20 Q Okay. When -- and you said that's when the
21 company ceased to operate or what --

22 A Yeah, really. Cease to operate really in 2011,
23 late '10 and early '11.

24 Q Okay. So late '10, 2011, who was employed by
25 Apollo Diamond at that time?

1 (A brief recess was taken.)

2 MR. WISNIEWSKI: Go back on the record at 9:26.

3 BY MR. WISNIEWSKI:

4 Q Okay.

5 A I want to emphasize something to you is that if
6 we take all of these different kinds of corporate
7 records, manufacturing, sales, government contracts,
8 purchase orders, you know, all of that, it would fill
9 this room so you could not get into the door. Okay.

10 So A -- No. 1, I would not in my right mind
11 have any of those records in my own house. I mean, why
12 would I? No. 2, all of that stuff had to be dealt with by
13 the people who bought the company. It was their job to
14 take care of it. I have no idea what they did. They
15 didn't tell me what they did. I didn't ask. They didn't
16 ask me, and I don't know. Why would I know?

17 Q Let me ask you this. Let me see if this is an
18 accurate description of what I'm hearing.

19 So once the landlord prevented you from
20 entering the building --

21 A Right.

22 Q -- you no longer had access to any corporate
23 files?

24 A That's correct.

25 Q You never saw the corporate files again?

1 A That's correct.

2 Q Do you know what happened to them?

3 A I have no idea.

4 Q Do you know who was responsible?

5 A It would be Joe Lancia, because Joe Lancia was
6 the executive at Scio that we signed the deal with, and
7 he was responsible for everything. It was his -- he was
8 the one person who was going to take possession of the
9 records, of the equipment, of the processes, the sales
10 records, all of the inventory. That all was bequeathed
11 to him in the agreement that we sold.

12 Q Who facilitated him obtaining those?

13 A I have no idea.

14 Q Who on behalf of Scio -- or who on behalf of
15 Apollo Diamond helped facilitate him --

16 A I have no idea.

17 Q -- to get this equipment, to get these files,
18 to get everything that you just described?

19 A I don't know, but I will tell you that I do
20 know this, but it is -- I say that I know this, but it's
21 still hearsay. He employed a couple of people on the
22 technical side to help get the machinery operating. What
23 he did on the records -- because, look, we're talking
24 about -- this is not -- this is not something that I
25 remember or not remember, but if I would have moved

1 A That's correct.

2 Q You didn't have access to those after spring of
3 2011?

4 A That's correct.

5 Q It was your understanding that under the Asset
6 Purchase Agreement between Apollo Diamond and Scio
7 Diamond Technology in 2011 that Scio Diamond had the
8 right to obtain Apollo Diamond's corporate records?

9 A That's correct.

10 Q Do you know if they, in fact, did maintain
11 those?

12 A I don't know. I have no idea.

13 Q Did you maintain or keep with you any of Apollo
14 records following the Asset Purchase Agreement that would
15 allow you to wind down Apollo's business?

16 A No. What we considered -- there were only a
17 few things that were important, one of which was the --
18 the debts of the company, and that was the main thing,
19 the debts of the company.

20 Q So what files did you keep relating to the
21 debts of the company?

22 A That's a good question. I don't think that I
23 had that. I think that that was -- this is all think.
24 This is like hearsay kind of thing. I think that was
25 sent to Ed not by me, but I don't know by who it would